

REMARKS/ARGUMENTS

The Office Action mailed October 20, 2004 has been carefully considered.

Reconsideration in view of the following remarks is respectfully requested. Claims 1-39 are currently pending.

Information Disclosure Statement

It was indicated in the office action that the IDS of 6/17/02 was not considered. Attention is respectfully directed to p. 61 of the enclosed Kongai et al. reference in which a concise explanation of the reference is provided. Further, applicants submit herewith an English language version of the other reference, edited by Michael Benedikt, along with an accompanying form PTOL-1449. It is unclear if the English language version was previously submitted. Consideration of these references and an Examiner initialed copy of the form PTOL-1449 are respectfully requested.

Claim Objection

Claims 1-7, 9, 13-20, 22, 26-33, 35, and 39 were objected to because of insufficient antecedent basis for the limitations in the claims. With respect to the phrase "said utterance" in claims 7, 20, and 33, there has been sufficient antecedent basis for the limitations in the original independent claims 6, 19, and 32 on which each of these claims depends. Claims 1-7, 9, 13-20, 22, 26-33, 35, and 39 have been amended to provide sufficient antecedent basis for the limitations in the claims. With these amendments, it is respectfully requested that these objections be withdrawn.

The 35 U.S.C. § 112, Second Paragraph Rejection

Claims 1, 14, and 27 were rejected under 35 U.S.C. § 112, second paragraph, as allegedly being indefinite for failing to particularly point out and distinctly claim the subject matter applicant regards as the invention. This rejection is respectfully traversed.

Claims 1, 14, and 27 have been amended so that “the terminal ” (line 11) in the claims 1, 14 and 27 clearly refers to “the terminal at which voice is input.” With this amendment, it is respectfully requested that this rejection be withdrawn.

Claims 6, 19, and 32 were rejected under 35 U.S.C. § 112, second paragraph, as allegedly being indefinite for failing to particularly point out and distinctly claim the subject matter applicant regards as the invention. This rejection is respectfully traversed.

As described in lines 5-8 on page 17 of the present specification, voice data is sent after sending utterance data. As is apparent from this, the utterance data is data that indicates the beginning of sending the voice data, i.e. the beginning of an utterance. Because the utterance data indicates only the beginning of the utterance, the utterance data may be shorter than the voice data. Thus, it is respectfully requested that this rejection be withdrawn.

Claims 13, 26, and 39 were rejected under 35 U.S.C. § 112, second paragraph, as allegedly being indefinite for failing to particularly point out and distinctly claim the subject matter applicant regards as the invention. This rejection is respectfully traversed.

The phrases “one optional terminal” and “ another optional terminal” in claims 13, 26, and 39 refer to any two optional terminals among all terminals used in the present invention, and do not refer to particular terminals. Thus, it is respectfully requested that this rejection be withdrawn.

The First 35 U.S.C. § 103 Rejection

Claims 1, 3, 5, 14, 27, 16, 29, 18, 31, 6, 19, 32, 8, 21, 34, 9-12, 22-25, 35-38, 13, 26 and 39 were rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over Harper et al. in view of Hamilton et al., among which claims 1, 14, 27, 6, 19, 32, 9, 22, 35, 13, 26 and 39 are independent claims. This rejection is respectfully traversed.

According to the Manual of Patent Examining Procedure (M.P.E.P.),

To establish a *prima facie* case of obviousness, three basic criteria must be met. First there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, not in the applicant's disclosure.¹

Claims 1, 14, and 27

Claims 1, 14 and 27 have been amended based on the description “visually confirm that his voice has reached his listener” in lines 1-2 on page 4 of the present specification in order to overcome rejection under 35 U.S.C. § 103(a).

Specifically, the Office Action contends that the elements of the presently claimed invention “a process at the terminal at which voice is input for generating voice data indicating said voice”, “administrative computer”, “audio mixer”, and “a process at said server for sending said voice data to a predetermined terminal; process at said predetermined terminal for receiving said voice data; a process at the terminal that received said voice data for outputting the voice indicated by said voice data” are disclosed in Harper et al. except that “Harper et al. failed to teach a process at the terminal that received said voice data for generating a reception result of said voice data; a process at the terminal that sent said voice data for receiving said reception

result; a process at the terminal that received said reception result for indicating the reception state of said voice data based on said reception result.” The Office Action further contends that Hamilton et al. teaches that the recipient positively acknowledge receipt of packet by sending an ACK to the sender and that it would be obvious to one having ordinary skill in the art at the time of the invention to incorporate Hamilton et al into Harper et al. in order to have the “process at the terminal that received said voice data for generating a reception result of said voice data; a process at the terminal that sent said voice data for receiving said reception result; a process at the terminal that received said reception result for indicating the reception state of said voice data based on said reception result.” as taught by Hamilton et al. such that the modified system of Harper et al. would be able to support the generating reception result and indicating the reception state based on the reception result to the system users. The Applicants respectfully disagree for the reasons set forth below.

In E-mail, for example, it is well known to display at a sending terminal a message indicating normal reception by a receiving terminal. However, in a conversation system using voice communications, if the reception state of the voice data is displayed by a message, a talker needs to read the message every time he talks, and as a result, it is impossible to converse smoothly. In contrast, in the present invention, because the reception state is virtually indicated, for example, using the indicator shown in Fig.6, the talker is able to know in his bones whether his voice has reached the listener or not. As a result, it is possible to converse smoothly. As indicated above, the present invention and the citations differ in their constructions and effects. Therefore, it would not have been obvious to a person skilled in the art to create the invention of the independent claims 1,14, and 27 based on a combination of Harper and Hamilton. Thus, it is respectfully requested that this rejection be withdrawn

¹ M.P.E.P § 2143.

Claims 6, 19, and 32

Regarding claims 6, 19, and 32, the Office Action contends that “Harper et al. teaches a header for the audio packets. The header of the packet is one of a plurality of data fields within the data packets. Therefore, the header is shorter than the voice data.” The Applicants respectfully disagree for the reasons set forth below.

The utterance data of the present invention is separated from the voice data and is sent before sending the voice data. In contrast, as described in the Office Action, the header of Harper is one of plurality of data fields within data packets (i.e. voice data). In other words, the header of Harper is sent together with the voice data. In the present invention, even if arrival of the voice data is delayed due to various causes (e.g. a large size of voice data, a change in network traffic, etc.), because utterance data arrives ahead at the listener terminal and a predetermined indication is carried out according to the utterance data, a listener can easily ascertain the timing of an utterance. In contrast, in Harper, if arrival of the voice data is delayed, because arrival of the header is also delayed, a listener cannot easily ascertain the timing of an utterance. As indicated above, “the utterance data” of the present invention and the “header” of Harper differ in their constructions and effects. Therefore, it would not have been obvious to a person skilled in the art to create the invention of claims 6, 19, and 32 based on a combination of the Harper and Hamilton. Thus, it is respectfully requested that this rejection be withdrawn

Claims 9, 22 and 35

Regarding Claims 9, 22, and 35, the Office Action contends that “Harper et al. teaches the administrative computer transmits authorization. The receiving terminal is designated for permission or denial based on the authorization stored in the server. The authorization must be within the authorized limits. Any terminal that is authorized is designated for receiving data. The

administrative computer is the claimed “predetermined terminal for designating permission or denial.” The Applicants respectfully disagree for the reasons set forth below.

In the present invention, an object of the permission or denial is transmission from “an optional terminal” to another optional terminal. In contrast, in Harper et al., an object of the permission or denial is transmitted only from “a teacher terminal (i.e., a particular terminal)” to an optional student terminal. Therefore, if the present invention is viewed in application to Harper et al., it is possible to converse between students without the conversation being known of by a teacher. But according to Harper et al only, although it is possible to converse between a teacher and an optional student without the conversation being known of by other students, it is impossible to converse between students without the conversation being known of by a teacher. As indicated above, the present invention and Harper differ in the transaction that is an object of the permission or denial. Therefore, it would not have been obvious to a person skilled in the art to create the invention of claims 9, 22, and 35 based on a combination of the Harper and Hamilton. Thus, it is respectfully requested that this rejection be withdrawn

Claims 13, 26, and 39

Regarding claims 13, 26, and 39, for the same reasons as the above-mentioned reasons for independent claims 6, 19, and 32 and for independent claims 9, 22, and 35, it would not have been obvious to a person skilled in the art to create the invention of claims 13, 26, and 39 based on a combination of the Harper and Hamilton. Thus, it is respectfully requested that this rejection be withdrawn.

Claims 2-5, 7-8, 10-12, 15-18, 20-21, 23-25, 28-31, 33-34, and 36-38

As to dependent claims 2-5, 7-8, 10-12, 15-18, 20-21, 23-25, 28-31, 33-34, and 36-38, the argument set forth above is equally applicable here. The base claims being allowable, the dependent claims must also be allowable.

In view of the foregoing, it is respectfully asserted that the claims are now in condition for allowance.

Conclusion

It is believed that this Amendment places the above-identified patent application into condition for allowance. Early favorable consideration of this Amendment is earnestly solicited.


If, in the opinion of the Examiner, an interview would expedite the prosecution of this application, the Examiner is invited to call the undersigned attorney at the number indicated below.

Applicant respectfully requests that a timely Notice of Allowance be issued in this case. Please charge any additional required fee or credit any overpayment not otherwise paid or credited to our deposit account No. 50-1698.

Respectfully submitted,

THELEN REID & PRIEST, LLP

Dated: February 22, 2005


Khaled Shami
Reg. No. 38,745

Thelen Reid & Priest LLP
P.O. Box 640640
San Jose, CA 95164-0640
Tel. (408) 292-5800
Fax. (408) 287-8040